



## TOMPKINS COUNTY Office of Human Rights

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### Source of Income Protection in Tompkins County

The *Tompkins County Office of Human Rights* and the *Human Rights Commission* have joined a state-wide coalition effort to extend housing discrimination protections to individuals using housing subsidies to cover their housing costs. This **Statewide Source of Income Coalition** is being coordinated with *ERASE Racism New York*.

**Background:** Source of income discrimination is pervasive in New York and contributes to the perpetuation of segregation in New York State, which has some of the most segregated regions in the country.<sup>1</sup> In addition, source of income discrimination is often a proxy for discrimination based on existing protected classes under existing fair housing laws, such as race, national origin, sex, and disability.<sup>2</sup> Studies indicate that the success rate of HCV holders in finding qualifying units is significantly higher in places where there is a local or state law protecting against discrimination based on source of income.<sup>3</sup> Currently, no municipality in Tompkins County provides source of income protections for its residents.

Under the current State Human Rights Law, landlords and real estate professionals can refuse to rent to HCV holders and recipients of other legal income, assistance, or subsidy solely because of how they intend to pay for housing – even if their level of income is sufficient to pay for the housing. A few cities and counties in New York have local laws that include expanded protections related to how housing costs are covered, or *Source of Income* protection. The OHR has drafted and proposed such a local law which includes this type of protection.

It is important to know that even where *Source of Income* protections exist, property owners can still deny voucher recipients if they do not meet other determining criteria such as level of income, credit, rental history, or criminal record. A *Source of Income* law only proposes that property owners must consider this type of subsidized income as valid, using the same criteria for level of income as other non-assistance renters.

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<sup>1</sup> John R. Logan and Brian Stults, “The Persistence of Segregation in the Metropolis: New Findings from the 2010 Census” Census Brief prepared for Project US2010 (2011), <http://www.s4.brown.edu/us2010> [last accessed 8/23/16].

<sup>2</sup> Rebecca Tracy Rotem, “Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program,” 78 Fordham L. Rev. 1971, 1981 (2010); see also Lisa M. Krzewinski, “Section 8’s Failure to Integrate: The Interaction of Class-Based and Racial Discrimination,” 21 B.C. Third World L.J., 315, 320-321 (2001).

<sup>3</sup> U.S. Dept. of Housing and Urban Development Office of Policy Development and Research, “Study on Section 8 Voucher Success Rates (Nov. 2001), pg. 3-17; see also Lance Freeman and Yunjing Li, “Do Source of Income (SOI) Anti-Discrimination Laws Facilitate Access to Better Neighborhoods?” Paper presented at the Association of Public Policy and Management Fall Research Conference (Nov. 2012) (finding that source of income laws have a “modest impact on locational outcomes with the largest relationship observed for neighborhood poverty rates.”).

Housing discrimination based on the *Source of Income* can have a profoundly adverse effect on the housing choices that are available to individuals who defray their housing costs with HCV and other legal income, assistance and subsidies, and can perpetuate patterns of racial, ethnic, and economic segregation. Further, *Source of Income* discrimination has a disproportionate and adverse impact on African Americans, Latinos, persons with disabilities, and female-headed households, all of whom comprise greater shares of HCV recipients than their population shares.<sup>4</sup>

In Tompkins County, African Americans comprise 6.5 percent of the population, but comprise over 21 percent of voucher holders. Similarly, female-headed households comprise 44 percent of renter-occupied households, but comprise 76 percent of County households receiving vouchers. Furthermore, adults with disabilities comprise 3 percent of the population, but comprise more than 44 percent of the voucher holders in the County.<sup>5</sup>

The Office of Human Rights is committed to working with tenants, landlords, and other housing stakeholders in an effort to eliminate impediments to fair housing choice for residents in Tompkins County.

For additional information about *Source of Income* protections, please contact Karen Baer, Director of Human Rights, at [kbaer@tompkins-co.org](mailto:kbaer@tompkins-co.org) or (607) 277-4080.

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<sup>4</sup> African Americans comprise 15.6% of the New York State population, but comprise 38% of the State's voucher holders. Latinos comprise 18.2% of the State's population, but comprise 32% of the State's voucher holders. Adults with disabilities comprise 13% of the New York State population, but comprise 34.5% of the voucher holders. Female-headed households comprise 20.7% of New York's renter-occupied households, but comprise 34% of households receiving vouchers in New York.

<sup>5</sup> Tompkins County Office of Human Rights. "Analysis of Impediments to Fair Housing Choice (2015)." Ithaca, New York, Final Report, May 2015. An Affirmatively Furthering Fair Housing analysis mandated by the by the U.S. Dept. of Housing and Urban Development.